

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AUDRINA MINTO,
Plaintiff,

v.

KATHY L. RUMER, et al.,
Defendants.

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Civ. No. 18-2800

AMENDED SCHEDULING ORDER

AND NOW, this 25th day of February, 2019, upon consideration of the Parties' joint request to extend scheduling deadlines (Ex. A), it is hereby **ORDERED** that my January 30, 2019 Scheduling Order (Doc. No. 21) is **AMENDED** as follows:

1. A trial for the above-captioned case shall be held on **August 6, 2019, at 9:30 a.m.** in Courtroom 14A, United States District Court, 601 Market Street, Philadelphia, PA 19106;
2. A final pretrial conference is scheduled for **July 31, 2019 at 10:00 a.m.** in Room 14614, United States District Court, 601 Market Street, Philadelphia, PA 19106. Lead Trial Counsel must attend. It is the responsibility of any trial counsel who cannot attend to contact the Court as soon as any conflict becomes known so the Court may consider rescheduling the conference. Unless the Court has otherwise granted permission, whoever attends the final pretrial conference will try the case. In addition to each trial counsel, each Plaintiff and Defendant or, in the case of a corporate Party, a representative with full authority to settle the case shall attend. Telephone availability is not acceptable unless leave of Court has been granted. Failure to comply with this order may result in sanctions in accordance with the Federal Rules of Civil Procedure.

As outlined below, all motions *in limine*, evidentiary motions, stipulations of facts, all depositions that will be introduced as testimony, and any and all other legal disputes that the Parties are aware of shall be due before the final pretrial conference so that they may be resolved before trial begins;

3. Plaintiff shall file its expert reports, and related disclosures by **March 30, 2019**, together

with copies of all materials considered by any such expert(s). Defendants shall file their expert's response, and all related disclosures, by **April 30, 2019**, together with copies of all materials considered by any such expert(s);

4. Expert discovery and depositions shall take place between **April 30, 2019** and **May 30, 2019**;
5. Any summary judgment motion or other dispositive motion, together with supporting brief, shall be filed **no later than June 13, 2019**. Responses shall be filed **no later than June 27, 2019**;
6. Plaintiff shall propose stipulated facts and submit those proposed stipulated facts to Defendant **no later than July 5, 2019**. Defendant shall state agreement or disagreement with each of Plaintiff's proposed stipulated facts and may counter-propose stipulated facts **no later than July 9, 2019**. Plaintiff is obligated to respond **no later than July 26, 2019**;
7. In accordance with Fed. R. Civ. P. 26(a)(3), listed exhibits shall be numbered and pre-marked for use at trial; no exhibit shall be listed unless it is already in the possession of opposing counsel. Only specifically listed exhibits may be used in the Party's case-in-chief except by leave of Court;
8. Counsel for each Party shall serve upon counsel for the other Party **no later than July 16, 2019**:
 - a. a copy of each exhibit they expect to offer at trial in furtherance of their respective contentions. Each exhibit shall be marked as it will be marked for trial;
 - b. curriculum vitae for each expert witness expected to testify; and
 - c. a specific identification of each discovery item expected to be offered into evidence;
9. Counsel shall also provide the Court with one copy of all of these items in a tabbed, three-ring binder, complete with table of contents, **no later than July 16, 2019**;

10. As to documents listed in accordance with Fed. R. Evid. 803(6), as amended, notice in accordance with Fed. R. Evid. 902 (11) or (12) must be given **no later than July 16, 2019**;
11. All witnesses as to liability and damages should be listed. Only listed witnesses may testify at trial except by leave of Court. Any Party who intends to use deposition testimony at trial must submit deposition designations by **July 5, 2019**. Counter-designations shall be submitted by **July 9, 2019**. Objections to the designations shall be submitted **no later than July 12, 2019**;
12. Any other pretrial or trial matter requiring attention of the judge prior to trial, shall be specifically addressed in the final pretrial conference;
13. All Parties shall prepare and file with the Clerk of the Court their pretrial memoranda by **July 16, 2019**;
14. All motions *in limine* shall be filed **no later than July 18, 2019**. Responses thereto are due **no later than July 25, 2019**;
15. **No later than July 18, 2019**, after meeting and conferring, the Parties shall jointly submit proposed jury *voir dire* questions, jury interrogatories, verdict sheets, and proposed jury instructions a tabbed, three-ring binder, complete with table of contents. The Parties shall individually submit any proposed questions, interrogatories, sheets, or instructions upon which the Parties after conferring cannot agree. All questions, interrogatories, sheets, and instructions shall be submitted in hard copy and on a flash drive to the Court;
16. **No later than July 25, 2019**, the Parties shall jointly submit to the Court a tabbed, three-ring binder, complete with table of contents, containing each of the following:
 - a. Answer;
 - b. Complaint;
 - c. Plaintiff's Pretrial Memorandum;
 - d. Defendants' Pretrial Memorandum;

- e. Stipulated Facts;
 - f. Jointly Proposed Jury *Voir Dire* Questions (and any not agreed upon);
 - g. Jointly Proposed Jury Interrogatories (and any not agreed upon);
 - h. Jointly Proposed Jury Instructions (and any not agreed upon); and
 - i. Jointly Proposed Verdict Sheet; and
17. The Parties shall also provide the Court with an electronic copy of the above documents in Word format.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

February 25, 2019

Paul S. Diamond, J.

THE RUBINSTEIN LAW FIRM, L.L.C.

ATTORNEYS AT LAW

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February 7, 2019

Honorable Paul S. Diamond
United States District Court, Eastern District of Pennsylvania
U.S. Courthouse
601 Market Street, Room 14614
Philadelphia, PA 19106-1743

Re: Audrina Minto v. Kathy L. Rumer, et al.
Civil Action No: EDPA 18-2800

Dear Judge Diamond:

I represent the plaintiff in the referenced matter. Prior to your January 30, 2019 Amended Scheduling Order being issued, defendant's counsel and I held a telephone conference with Magistrate Judge Price concerning the settlement conference scheduled for January 31. During that conference, it was determined that a settlement conference was not likely to lead to a resolution prior to expert reports being issued. Therefore, the settlement conference was adjourned. On January 25, 2019, defendant's counsel and I held another telephone conference together to prepare proposed expert discovery deadlines to submit to the court. However, prior to the joint letter being submitted to the court, the January 30 Amended Scheduling Order was issued.

Pursuant to the Amended Scheduling Order, plaintiff's expert report is due February 13, 2019. At this time, plaintiff will be unable to meet this deadline. As previously discussed with Your Honor, there are four matters pending before the court against Dr. Rumer. Those matters are as follows:

- Coley v. Rumer 2:18-cv-01188 – trial date July 1, 2019
- Minto v. Rumer 2:18-cv-02800 – trial date May 7, 2019
- Thompson v. Rumer 2:18-cv-03817 – trial date September 16, 2019
- Valentino v. Rumer 2:18-cv-03816 – trial date October 7, 2019

Each of these matters involve the same counsel on both sides. Counsel has worked very well together juggling the different time constraints placed on each matter to conclude discovery. However, in the Minto v. Rumer matter, Dr. Rumer has not been deposed. It was scheduled for January 11, however, that deposition of Dr. Rumer focused on the Coley v. Rumer matter that

was filed prior to Minto v. Rumer. Dr. Rumer was able to reschedule her deposition for February 8 in the Minto matter. Unfortunately, she now has an emergency and needs to present to the emergency room on that date. Consequently, plaintiff's experts cannot finalize an expert report based on Dr. Rumer's actions without the benefit of her testimony.

Additionally, trial is now scheduled for May 7. However, defendant's counsel has a date certain trial already scheduled to begin on May 6 in Bucks County Court of Common Pleas entitled Bacher v. Kliefoth, et als. (civil action number 2016-02884). Attached is a copy of the court order.

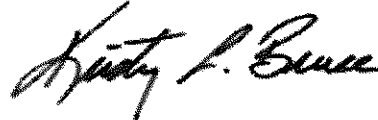
Counsel respectfully requests that the court enlarge the time frames set in the Amended Scheduling Order as follows:

- plaintiff to produce expert reports by March 30, 2019
- defendant to produce expert reports by April 30, 2019
- all expert depositions completed by May 30, 2019

Defendant's counsel and I agree on these deadlines. Additionally, if the court grants our request, when rescheduling the trial date, please note that I will be away during the following time periods: week of June 17, 2019, week of August 19, 2019 and week of October 21.

Should Your Honor deem it necessary that counsel confer with the court, I would be happy to arrange a telephone conference at the court's convenience.

Respectfully submitted,



Kristy L. Bruce

KLB/bms
Enclosure
cc: Chilton G. Goebel, III, Esquire

IN THE COURT OF COMMON PLEAS, BUCKS COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

STEVEN A. BACHER, as Executor of the
Estate of JOEL BACHER, deceased

vs.

WILLIAM L. KLIEFOTH, JR., DO., ARIA
HEALTH (A/D/B/A ARIA HEALTH – BUCKS
COUNTY HOSPITAL, A/D/B/A ARIA
HEALTH-BUCKS COUNTY CAMPUT, ARIA
HEALTH PHYSICIAN SERVICES, ARIA
HEALTH SYSTEM, GASTROINTENSTINAL
SPECIALISTS, INC., GRGORY D. SCHAPIRO
M.D.

NO. 2016-02884
ESTIMATED LENGTH
OF TRIAL: 6-8 DAYS



DATE CERTAIN
CASE MANAGEMENT ORDER

AND NOW, this 8th day of March, 2018, after a teleconference with the parties on February 6, 2018, the following Case Management Schedule is made an Order of the Court:

- (a) On May 1, 2018, all factual discovery shall close;
- (b) On June 15, 2018, all Plaintiff's expert reports shall be due;
- (c) On August 15, 2018, all Defendants' expert reports shall be due;
- (d) On September 15, 2018, Plaintiff's supplemental expert reports shall be due;
- (e) On February 1, 2019, all Dispositive Motions shall be filed and Responses thereto are due on March 1, 2019;
- (f) On April 22, 2019, all Pre-Trial Memorandums shall be due;
- (g) On April 22, 2019, all Motions in Limine shall be due;
- (h) On April 29, 2019, all Responses to Motions in Limine shall be due;

- (i) All **original** Dispositive Motions, responses thereto, Motions in Limine, responses thereto shall be filed with the Prothonotary's Office. All **Pre-Trial Statements and courtesy copies of all Motions in Limine and responses shall be served upon Sherri Wohrle, Assistant Court Administrator – Civil Calendar**, Bucks County Justice Center, 100 North Main Street, 2nd Floor, Doylestown, Pennsylvania 18901.
- (j) On May 6, 2019, jury selection and oral arguments on Motions in Limine shall take place in a courtroom to be announced at a later time;
- (k) On May 6, 2019, the case shall commence trial and all counsel are attached for trial. No continuances shall be granted.
- (l) Upon entry of this Date Certain Case Management Order, this docket shall be re-assigned to the Honorable Robert J. Mellon. All future filings shall be presented to the undersigned judge for disposition.

BY THE COURT:


ROBERT J. MELLON, J.

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PROTHONOTARY
OF BUCKS COUNTY

N.B. It is your responsibility
to notify all interested parties
of the above action.